

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : **Criminal No.** _____

v. : **Date Filed:** _____

MARQUIS ANDRE PHELPS : **Violations:**

: **21 U.S.C. § 841(a)(1)**
(Distribution of cocaine base (“crack”)
: **- 6 counts)**
: **21 U.S.C. § 841(a)(1)**
: **(Possession with intent to distribute in**
excess of 5 grams of cocaine base
: **(“crack”) - 1 count)**
: **21 U.S.C. § 860**
: **(Distribution of cocaine base (“crack”)**
near a school - 4 counts)
: **21 U.S.C. § 853**
(Notice of forfeiture)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about November 6, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

MARQUIS ANDRE PHELPS

knowingly and intentionally distributed a mixture or substance containing a detectable amount of
cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C)

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 13, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

MARQUIS ANDRE PHELPS

knowingly and intentionally distributed a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C)

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 13, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

MARQUIS ANDRE PHELPS

knowingly and intentionally distributed a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the 12th and Marion Elementary School, a public elementary school, located at 1200 North 12th Street, Reading, and Northeast Middle School, a public middle school, located at 1216 North 13th Street, Reading, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

In violation of Title 21, United States Code, Section 860(a).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 14, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

MARQUIS ANDRE PHELPS

knowingly and intentionally distributed a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C)

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 14, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

MARQUIS ANDRE PHELPS

knowingly and intentionally distributed a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the 12th and Marion Elementary School, a public elementary school, located at 1200 North 12th Street, Reading, and Northeast Middle School, a public middle school, located at 1216 North 13th Street, Reading, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

In violation of Title 21, United States Code, Section 860(a).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 19, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

MARQUIS ANDRE PHELPS

knowingly and intentionally distributed a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C)

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 19, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

MARQUIS ANDRE PHELPS

knowingly and intentionally distributed a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the 12th and Marion Elementary School, a public elementary school, located at 1200 North 12th Street, Reading, and Northeast Middle School, a public middle school, located at 1216 North 13th Street, Reading, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

In violation of Title 21, United States Code, Section 860(a).

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 25, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

MARQUIS ANDRE PHELPS

knowingly and intentionally distributed a mixture or substance containing a detectable amount of
cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C)

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 25, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

MARQUIS ANDRE PHELPS

knowingly and intentionally distributed a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the 10th and Penn Elementary School, a public elementary school, located at 955 Penn Street, Reading, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

In violation of Title 21, United States Code, Section 860(a).

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 18, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

MARQUIS ANDRE PHELPS

knowingly and intentionally distributed a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C)

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 22, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

MARQUIS ANDRE PHELPS

knowingly and intentionally possessed with intent to distribute in excess of 5 grams, that is
approximately 11 grams, of a mixture or substance containing a detectable amount of cocaine
base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)

NOTICE OF FORFEITURE

1. As a result of the violations of Title 21, United States Code, Sections 841(a)(1) and 860(a), charged in this Indictment, defendant MARQUIS ANDRE PHELPS shall forfeit to the United States of America:

a. any property which constitutes or is derived from any proceeds obtained directly or indirectly by him as a result of the violations of Title 21, United States Code, as charged in this Superseding Indictment; and

b. any property which was used or intended to be used, in any manner or part,
to commit or to facilitate the commission of the violations of Title 21, United States Code, as charged in this Indictment.

SUBSTITUTE ASSETS

2. If any of the property described above as being subject to forfeiture, as a result of any act or omission of defendant MARQUIS ANDRE PHELPS

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable

property.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney